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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,999	05/03/2006	Takashi Fujita	062489	3693
38834	7590	05/13/2009	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP			HENN, TIMOTHY J	
1250 CONNECTICUT AVENUE, NW				
SUITE 700			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036			2622	
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			05/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/577,999	FUJITA, TAKASHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy J. Henn	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 January 2009.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 06 January 2009 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 06 January 2009 have been fully considered but they are not persuasive. Applicant argues that Yoshino does not disclose terminating a processing operation for a predetermined period of time. Specifically, Applicant argues that the attenuation feature of Yoshino does not meet this limitation as claimed. While the examiner agrees that Yoshino does not terminate the processing operation, the claims as written do not require "terminating" as argued. Specifically, claim 1 requires "restricting a processing operation", claim 5 requires "changing a detection characteristic" and claim 7 requires "changing an output characteristic". These limitations as written are not found to be equivalent to "terminating" as argued. While Yoshino does not disclose terminating the processing operation, the attenuation feature of Yoshino does restrict the operation or change a characteristic and therefore meets the claim limitations as written.
2. With respect to the predetermined time period, Applicant argues that the time period is, for example, 1 second. However, the claims as written do not place any limitations on how the predetermined time period is set. Therefore, restricting the operation for the time during which a sound which lasts for a predetermined duration is reproduced reads on the claimed "predetermined time period".
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., terminating for a predetermined time period such as 1 second) are not recited in

the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Specification***

4. The amendments to the specification are accepted.

### ***Drawings***

5. The drawings were received on 06 January 2009. These drawings are accepted.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshino (US 2004/0044428) in view of Asada (JP 02-146660).

#### **[claim 1]**

Regarding claim 1, Yoshino discloses an electronic apparatus comprising: a first detection means for detecting a sound (Figure 1, Item 72); a second detection means for detecting a key operation (Figure 1, Item 50 and 62/64); and a second process means for executing a process corresponding to output from the second detection

means (Figure 1, Item 50; Paragraphs 0003-0004; Figure 4). However, Yoshino does not disclose a first process means and restricting means as claimed.

Asada discloses the use of voice commands to control a device, and a restricting means which restricts the processing for detection of a voice command by attenuating the microphone input when sound effects are played back. Such operation prevents the sound effects from being misrecognized as a command (Abstract). Therefore, it would be obvious to include a voice command and voice command restriction system as taught by Asada to provide a second interface for controlling the electronic apparatus of Yoshino and to prevent sound effects such as the recorded shutter sound from being misrecognized as a command. Note that since the sound effects of Yoshino are played back for a predetermined time, it would be obvious to restrict the voice command processing as taught by Asada for an equal predetermined period of time.

**[claim 2]**

Regarding claim 2, Yoshino discloses a sound effect output means for outputting a sound effect in response to a key operation (Figures 1 and 4; Paragraphs 0003-0004).

**[claim 3]**

Regarding claim 3, Asada discloses changing a detection characteristic of the detecting means (i.e. attenuating the input; Abstract).

**[claim 5]**

Regarding claim 5, Yoshino discloses an electronic apparatus comprising: a first detection means for detecting a sound (Figure 1, Item 72); a second detection means for detecting a key operation (Figure 1, Item 50 and 62/64); a second process means for

executing a process corresponding to output from the second detection means (Figure 1, Item 50; Paragraphs 0003-0004; Figure 4) and a sound effect output means for outputting a sound effect in response to a key operation (Figures 1 and 4; Paragraphs 0003-0004). However, Yoshino does not disclose a first process means and restricting means as claimed.

Asada discloses the use of voice commands to control a device, and a restricting means which restricts the processing for detection of a voice command by attenuating the microphone input when sound effects are played back. Such operation prevents the sound effects from being misrecognized as a command (Abstract). Therefore, it would be obvious to include a voice command and voice command restriction system as taught by Asada to provide a second interface for controlling the electronic apparatus of Yoshino and to prevent sound effects such as the recorded shutter sound from being misrecognized as a command. Note that Asada discloses outputting an active/inactive control signal and changing a detection characteristic based on the signal when a sound effect is output (Figure 1; Abstract).

8. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshino (US 2004/0044428) in view of Asada (JP 02-146660) in view of Kuriyama (JP 09-149157).

**[claim 4]**

Regarding claim 4, Yoshino in view of Asada discloses an electronic apparatus, but does not disclose changing a frequency characteristic of the detection means.

Kuriyama discloses a system which subtracts sound effect noise from a microphone input to ensure that the sound effect noise does not effect the recorded sound (Abstract; it is noted that subtracting a specified signal would alter the frequency characteristic of the detection). Therefore it would be obvious to subtract the sound effect noise from the input signal of Yoshino in view of Asada to ensure that the sound effect noise does not cause an unwanted voice command signal. It is noted that such an operation would provide an additional layer of protection to the system of Yoshino in view of Asada.

**[claim 6]**

Regarding claim 6, see claim 4 above.

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshino (US 2004/0044428) in view of Asada (JP 02-146660) in view of Nakada (JP 2003-114697).

**[claim 7]**

Regarding claim 7, Yoshino discloses an electronic apparatus comprising: a first detection means for detecting a sound (Figure 1, Item 72); a second detection means for detecting a key operation (Figure 1, Item 50 and 62/64); and a second process means for executing a process corresponding to output from the second detection means (Figure 1, Item 50; Paragraphs 0003-0004; Figure 4). However, Yoshino does not disclose a first process means and restricting means as claimed.

Asada discloses the use of voice commands to control a device, and a restricting means which restricts the processing for detection of a voice command by attenuating

the microphone input when sound effects are played back. Such operation prevents the sound effects from being misrecognized as a command (Abstract). Therefore, it would be obvious to include a voice command and voice command restriction system as taught by Asada to provide a second interface for controlling the electronic apparatus of Yoshino and to prevent sound effects such as the recorded shutter sound from being misrecognized as a command.

Nakada further discloses that speech recognition precision can be improved by altering the frequency characteristic of an output sound in the 100 to 5 kHz range (Abstract). Therefore, it would be obvious to alter the frequency characteristic of an output signal to further prevent an unwanted voice command from being recognized. It is noted that such an operation would provide an additional layer of protection to the system of Yoshino in view of Asada.

**[claim 8]**

Regarding claim 8, Nakada discloses changing a frequency characteristic of the sound effect (Abstract).

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Henn/

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Primary Examiner, Art Unit 2622